

COUNTY OF YORK

MEMORANDUM

DATE: February 20, 2002 (BOS Mtg. 3/19/02)

TO: York County Board of Supervisors

FROM: James O. McReynolds, County Administrator

SUBJECT: Application No. UP-592-02, Hubbard Pet Cremation, Inc.

ISSUE

This application requests a Special Use Permit, pursuant to Section 306 (category 7, number 3) of the York County Zoning Ordinance, to authorize a pet crematorium within an existing building located at 201 Production Drive (Route 799) approximately 1,700 feet west of the intersection of Production Drive and George Washington Memorial Highway (Route 17) and further identified as Assessor's Parcel No. 37B-2-28.

DESCRIPTION

- Property Owner: Cooper Cameron Corp. (Applicant is contract purchaser)
- Location: 201 Production Drive (Route 799), approximately 1,700 feet west of the intersection of Production Drive and Route 17
- Area: 0.89 acre
- Frontage: 100 feet on Production Drive
- Utilities: Public water and sewer
- Topography: Flat
- 2015 Land Use Map Designation: Limited Industrial
- Zoning Classification: IL – Limited Industrial
- Existing Development: 13,850-square foot concrete block building
- Surrounding Development:
 - North: Thomas Roofing and Supply (across Production Drive)
 - East: York County drainage and utility easement and “stub” street right-of-way; two vacant parcels beyond
 - South: Keener's Used Auto Parts/ADB Auction
 - West: Electronic Sound and Equipment

- Proposed Development: Pet crematorium within an existing building

CONSIDERATIONS/CONCLUSIONS

1. Hubbard Pet Cremation is currently operating in a rented facility in Newport News and wishes to purchase and relocate to an existing building in the Bethel Industrial Park. The building was formerly occupied by Elliott Turbocharger Group. The crematorium would occupy a 600-square foot area in the rear of this 13,850-square foot building. The applicant also operates a battery recycling and packaging business and a wholesale trade business and plans to locate these in the building along with the crematorium. These uses are permitted as a matter of right and are not part of the use permit application.
2. Located in an industrial park, the property is zoned IL (Limited Industrial) and is designated for Limited Industrial uses in the Comprehensive Plan. It is surrounded on two sides by industrial uses and on one side by a drainage easement and “stub” street right-of-way, beyond which is a vacant industrial parcel. The property to the rear – which is also zoned IL but is not part of the industrial park – is utilized for storage of used automobiles in connection with an automobile auction establishment which has its business office at the end of Production Drive in the industrial park.
3. Air emissions from incinerators such as that used by the crematorium are permitted and regulated by the Virginia Department of Environmental Quality (DEQ), which has responsibility for enforcing state and federal air quality regulations. The applicant is operating under a permit issued in 1989 that sets forth 27 specific conditions that the crematorium is required to meet. These conditions address a variety of items such as the type of incinerator, volume and opacity of emissions, fuel type, and operating procedures. The DEQ conducts approximately 2-3 surprise inspections each year to inspect the equipment and measure emissions levels to ensure compliance with the permit. According to DEQ staff, the applicant has a very good record of compliance. Since the issuance of the permit in 1989, there have been no reported violations of the permit conditions, with one minor exception. The DEQ issued a “Request for Corrective Action,” which is an informal enforcement action, in 2000 for failure to have the permit on-site and for failure to meet the deadline for filing a throughput report with the DEQ. The applicant promptly corrected these items, and there is no record of any other problems before or since. In order to relocate the crematorium, the applicant will be required to apply to the DEQ for a new permit.
4. The proposed crematorium will not generate a substantial amount of traffic because there is rarely any direct contact between the pet owners and the crematorium. Although people will occasionally deliver their pets for cremation, the applicant estimates that over 95% of the business is conducted through veterinary clinics. A truck visits local vet clinics on a daily basis to pick up dead animals to be delivered to the crematorium. After the pets are cremated, the cremains are delivered to the vet clinics, where they are picked up by the pets’ owners. The applicant does not perform human cremations, and this is a condition of the DEQ permit. Although some crematoriums

permit the pet owners to be present while their pets are cremated, Hubbard Pet Cremation does not. Customers are permitted to visit the facility but not to view the cremation of their pets. The crematorium sells urns, but this too is conducted through the veterinarians.

5. Because of the lack of direct customer contact, parking demand will be generated almost exclusively by employees (and the occasional DEQ inspector). With approximately fifteen (15) parking spaces in front of the building and additional room for parking in the paved area along the eastern side of the building, on-site parking appears to be sufficient for both the crematorium and the other businesses that will be located in the building.
6. The approving resolution includes a condition requiring that the crematorium be operated "so as not to produce hazardous, objectionable, or offensive conditions at or beyond property line boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, glare, solid and liquid wastes, fire, or explosion." This is a general performance standard that appears in Section 24.1-485(f) of the Zoning Ordinance and applies to all limited industrial uses. As a practical matter, emissions are regulated by the DEQ (as previously noted), and on a recent visit to the applicant's current location staff did not observe any of these types of impacts. Most of the noise generated by the incinerator was contained within the building where it was located and was only slightly audible from the outside, and even then only in close proximity to the building. The applicant's existing building is wood-frame construction while the proposed building is concrete block. Therefore, staff believes that most, if not all, noise will be contained in the building and the use will not likely have any adverse impacts on adjoining properties. Nevertheless, including the above-noted condition will provide an added measure of protection.

PLANNING COMMISSION RECOMMENDATION

The Planning Commission considered this application at its regular meeting on February 13 and, subsequent to conducting a public hearing at which no one spoke, voted 7:0 to recommend approval.

COUNTY ADMINISTRATOR RECOMMENDATION

An industrial park is an appropriate location for a pet crematorium, which is essentially an industrial use. Pet cremation is a well-regulated industry, and regular inspection and monitoring by the DEQ will ensure that the facility will be operated in accordance with federal and state air pollution regulations. With almost no customer contact on the premises, the use is a low traffic generator and will have no noticeable impact on levels of service on Production Drive and Route 17. Therefore, based on the considerations and conclusions as noted, I recommend that the Board approve this application subject to the conditions contained in proposed Resolution No. R02-50.

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- Excerpts of Planning Commission Minutes of February 13, 2002
- Zoning Map
- Site Map
- Proposed Resolution No. R02-50